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In re Application of	:	DECISION
BERGER	:	
Application No.: 10/591,699	:	
PCT No.: PCT/EP2004/014124	:	
Int. Filing Date: 09 December 2004	:	
Priority Date: 11 December 2003	:	
Attorney Docket No.: 114897-147013	:	
For: SUPPORTING FRAME FOR A	:	
MONITORING SCALE	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 05 September 2006.

BACKGROUND

On 09 December 2004, applicants filed international application PCT/EP2004/014124, which designated the U.S. and claimed a priority date of 11 December 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 23 June 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 June 2006 (11 June 2006 being a Sunday).

On 05 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee, an English translation of the international application, the processing fee for providing the English translation later than thirty months from the priority date, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 05 September 2006.

As to item (2), applicant submitted the petition fee on 05 September 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The surcharge under 37 CFR 1.492(h) of \$130 for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account No. 500393.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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